

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
AKRON DIVISION**

CASE NO.: 5:22-cv-2263

BRYAN E. GLYNN,

Plaintiff,

v.

THE BOYD WHOLESALE GROUP, LLC
dba THE CEDAR ROOM,

Defendant.

COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)

Plaintiff BRYAN E. GLYNN by and through his undersigned counsel, brings this Complaint against Defendant THE BOYD WHOLESALE GROUP, LLC dba THE CEDAR ROOM for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff BRYAN E. GLYNN (“Glynn”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Glynn's original copyrighted Works of authorship.
2. Glynn is a master of lighting with extensive experience in using both natural light and flashes to get spectacular results in any environment. Glynn also is the founder of CigarObsession (at www.cigarobsession.com) and the producer of one of the most popular cigar video review YouTube channels.
3. Over the years, Glynn has worked in different areas of photography including architecture, weddings, models, landscapes, concerts, sports, and tabletop. Glynn has won many

awards, both local and National, and his photographs have been published in magazines and newspapers across the country. Glynn's works can be identified at a glance for its crisp almost 3D look without using HDR; instead he uses off camera flash for dimension and pop, especially in his product work, which produces incredible details and dimension that stand out like a fingerprint for clients.

4. Defendant THE BOYD WHOLESALE GROUP, LLC dba THE CEDAR ROOM (“TCR”) is a cigar and smoke shop in Uniontown, Ohio. At all times relevant herein, TCR owned and operated the internet website located at the publicly available URL www.thecedarroomcigars.com (the “Website”).

5. The Website is used by TCR to help promote its online and retail business for its specialty high end cigar and fine tobacco shop.

6. Among other items offered for sale, the Website contains various cigar products that are available to be ordered and purchased online.

7. The Website utilizes photographs of cigars to advertise the available cigars.

8. TCR copied Glynn's copyrighted Works from the internet in order to advertise, market, promote its online business activities, and grow its business. TCR committed the violations alleged in connection with TCR's business for purposes of advertising and promoting sales to the public in the course and scope of the TCR's business.

JURISDICTION AND VENUE

9. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

10. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

11. Defendant is subject to personal jurisdiction in Ohio.

12. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.

DEFENDANT

13. The Boyd Wholesale Group, LLC dba The Cedar Room is an Ohio limited liability company with its principal place of business at 13069 Cleveland Ave NW, Uniontown, OH 44685, and can be served by serving its Registered Agent, Ronald K. Starkey, 638 W. Maple Street, Hartville, OH 44632.

THE COPYRIGHTED WORKS AT ISSUE

14. In 2017, Glynn created the photographs shown below and together referred to herein as the “Works”.





15. Glynn registered the Works with the United States Copyright Office on January 21, 2017, and was assigned the registration number VAu 1-271-409. The Certificate of Registration is attached hereto as **Exhibit 1**.

16. At all relevant times Glynn was the owner of the copyrighted Works at issue in this case.

INFRINGEMENT BY DEFENDANT

17. TCR has never been licensed to use the Works at issue in this action for any purpose.

18. On a date after the Works at issue in this action were created, but prior to the filing of this action, TCR copied the Works.

19. TCR copied Glynn's copyrighted Works without Glynn's permission.

20. After TCR copied the Works, it made further copies and distributed the Works on the internet to promote the sale of specialty high end cigars and fine tobacco products as part of its regular business activities.

21. TCR copied and distributed Glynn's copyrighted Works in connection with TCR's business for purposes of advertising and promoting TCR's business, and in the course and scope of advertising and selling specialty high end cigars and fine tobacco products.

22. Glynn never gave TCR permission or authority to copy, distribute or display the Works at issue in this case.

**COUNT I
COPYRIGHT INFRINGEMENT**

23. Glynn incorporates the allegations of paragraphs 1 through 22 of this Complaint as if fully set forth herein.

24. Glynn owns a valid copyright in the Works at issue in this case.

25. Glynn registered the Works at issue in this case with the United States Copyright Office pursuant to 17 U.S.C. § 411(a).

26. TCR copied, displayed, and distributed the Works at issue in this case and made derivatives of the Works without Glynn's authorization in violation of 17 U.S.C. § 501.

27. The Works are still available on TCR's Website. A true and correct screenshot from TCR's Website taken on December 15, 2022, is attached hereto as **Exhibit 2**.

28. TCR performed the acts alleged in the course and scope of its business activities.

29. TCR's acts were willful.

30. Glynn has been damaged.

31. The harm caused to Glynn has been irreparable.

WHEREFORE, the Plaintiff Bryan E. Glynn prays for judgment against the Defendant TCR that:

- a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;
- b. Defendant be required to pay Plaintiff his actual damages and TCR's profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. § 504;
- c. Plaintiff be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;
- d. Plaintiff be awarded pre- and post-judgment interest; and
- e. Plaintiff be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: December 16, 2022

Respectfully submitted,

/s/Eliezer Lekht
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